



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 35322265

Date: DEC. 19, 2024

Motion on Administrative Appeals Office Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner seeks second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

The Director of the Texas Service Center denied the petition. We dismissed a subsequent appeal because the Petitioner did not establish the national importance of the proposed endeavor in accordance with *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), which provides the framework for adjudicating national interest waiver petitions. The matter is now before us on a motion to reconsider.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motion.

A motion that does not satisfy the applicable requirements must be dismissed. 8 C.F.R. § 103.5(a)(4). The scope of any motion is limited to review of “the prior decision.” *See* 8 C.F.R. § 103.5(a)(1)(i).

A motion to reconsider must establish that our prior decision was 1) based on an incorrect application of law or policy, and 2) incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). On motion, the Petitioner disagrees with our decision to dismiss her appeal and states that she qualifies for a national interest waiver as a member of the professions holding an advanced degree based on the evidence submitted. She reiterates arguments made in support of her appeal while requesting a different outcome, stating, as written, that “a careful review of the evidence on record will allow for a different and proper conclusion under the standards expected to be applied within the legal principles established by §INA 203(b)(2)(B).” She does not, however, explain how any law or policy was misapplied in our dismissal of her appeal. As to the Petitioner’s reiteration of her prior arguments, we addressed those arguments in our earlier decision, and her repetition of the same arguments does not show proper cause for reconsideration. *Matter of O-S-G-*, 24 I&N Dec. 56 (BIA 2006) (finding that a motion to reconsider is not a process by which the party may submit, in essence, the same brief and seek reconsideration by generally alleging error in the prior decision).

The Petitioner has not shown that our prior decision contained errors of law or policy, or that the decision was incorrect based on the record at the time of that decision. Therefore, this motion does not meet the requirements of a motion to reconsider and must be dismissed.

ORDER: The motion to reconsider is dismissed.